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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 HAROLD S. CAREY,) Case No. CV 11-5780 VAP (JCG)
11 Petitioner,)
12 v.) **ORDER ACCEPTING REPORT AND**
13 KATHLEEN ALLISON,) **RECOMMENDATION OF UNITED**
14 Warden,) **STATES MAGISTRATE JUDGE AND**
15 Respondent.) **DENYING CERTIFICATE OF**
16) **APPEALABILITY**

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the
18 Magistrate Judge's Report and Recommendation, and the remaining record. No
19 objections to the Report and Recommendation have been filed.

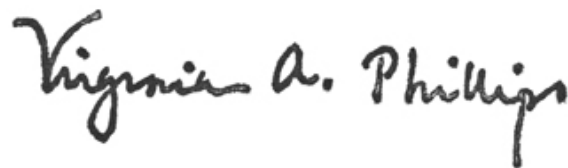
20 Accordingly, IT IS ORDERED THAT:

- 21 1. The Report and Recommendation is approved and accepted;
22 2. Judgment be entered denying the Petition and dismissing this action
23 with prejudice; and
24 3. The Clerk serve copies of this Order on the parties.

25 Additionally, for the reasons stated in the Report and Recommendation, the
26 Court finds that Petitioner has not made a substantial showing of the denial of a
27 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
28 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate

1 of appealability.

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3 DATED: _November 13, 2013_
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A handwritten signature in black ink that reads "Virginia A. Phillips". The signature is written in a cursive, flowing style.

5 HON. VIRGINIA A. PHILLIPS
6 UNITED STATES DISTRICT JUDGE
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